

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOLYN SCHMELING,

Defendant.

8:05CR239

ORDER

This matter is before the court on the motion to continue by defendant Jolyn Schmeling (Schmeling) (Filing No. 29). Schmeling seeks a continuance of the trial of this matter which is scheduled for August 7, 2006. Schmeling's counsel represents that counsel for the government has no objection to the motion. Schmeling's has submitted an affidavit wherein she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 30). Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Schmeling's motion to continue trial (Filing No. 29) is granted.
2. Trial of this matter is re-scheduled for **September 25, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 27, 2006 and September 25, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 27th day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge